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Attorney for Plaintiff KYLE JAMES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Kyle James,
CDCR #BB-1457

Plaintiff,

vs.

Deputy Tade,

Defendant.

Case No.: **3:15-cv-00409-AJB-MDD**)

**APPLICATION FOR WRIT OF
HABEAS CORPUS AD
TESTIFICANDUM**

Trial: February 13, 2018
Time: 8:30a.m.
Courtroom: 2
Judge: Hon. Anthony J.
Battaglia

The undersigned attorney hereby applies to the Court for the issuance of a Writ of Habeas Corpus Ad Testificandum for the attendance at trial of plaintiff, Kyle James, CDCR #BB-1457 ("Plaintiff"). Mr. James is presently held at the San Diego Central Jail, at 1173 Front St, San Diego, CA 92101, which is operated by Sheriff William D. Gore.

The trial in this matter is scheduled to begin on February 13, 2018, and the proposed Writ is necessary to facilitate Mr. James's transfer from jail to the

1 courthouse by the San Diego Central Jail.¹ For this reason, Plaintiff has submitted
2 a proposed writ for his attendance at trial beginning on February 13, 2017, at 8:30
3 a.m., and continuing from day to day until completed, before the Honorable
4 Anthony J. Battaglia, U.S. District Court Judge, in Courtroom 4A of the U.S.
5 District Court for the Southern District of California, 221 West Broadway, San
6 Diego, California 92101. Plaintiff further fears retaliation and mistreatment while
7 he is being held at the San Diego Central Jail, where the incident at issue occurred.

8 Therefore, the proposed writ directs the San Diego Central Jail to maintain
9 custody of Plaintiff three (3) weeks prior to and during trial at the Metropolitan
10 Correctional Center San Diego, and transport him daily to the district court for
11 trial.

12 Plaintiff respectfully requests that the Court grant this Application and issue
13 the Writ of Habeas Corpus Ad Testificandum.

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15 Respectfully submitted,
16 **Hyde & Swigart, APC**

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18 Date: January 18, 2018

19 By: /s/ Yana A. Hart
20 Yana A. Hart
21 Attorneys for Plaintiff
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28 ¹ Plaintiff initially filed an Application for Writ of Habeas Corpus on December 6, 2017, which
was granted by this Honorable Court on December 22, 2017 (Dkt. 178). However, thereafter,
Plaintiff was transferred to the San Diego Central Jail.